



North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Charles Wakild PE
Director

Dee Freeman
Secretary

September 12, 2012

CERTIFIED MAIL 7012 0470 0001 3843 3533
RETURN RECEIPT REQUESTED

Mr. Nainesh Patel PE
NC Department of Corrections
Central Engineering Division
4216 Mail Service Center
Raleigh, North Carolina 27699-4216

Subject: **NOTICE VIOLATION**
NOTICE OF INTENT TO ENFORCE
NOV-2012-DV-0173
Central Prison Stormwater Conveyance
Unlawful Discharge
Discharge without a Permit
Other Waste Violation
Wake County

Dear Mr. Patel:

On September 5, 2012, Dave Parnell and Mitch Hayes from Raleigh Regional Office staff of the Division of Water Quality (DWQ) and Eric Green from Wake County Department of Environmental Services, conducted an investigation of Rocky Branch on the Central Prison grounds. The site is off Western Boulevard in Raleigh North Carolina. A strong odor of diesel fuel was evident in the vicinity of the stream and parking lot at Central Prison. Also observed was petroleum release/discharge coursing into Rocky Branch from the stormwater outfall pipe that drains Central Prison. This is the third (3) occasion petroleum has been documented discharging from this location.

Environmental Protection Services of Vermont was beginning the cleanup of the stream while DWQ staff was on site.

As a result, you are in violation of the following North Carolina General Statutes and Administrative Codes:

Item I. Oil Pollution and Hazardous Substance Control Act-Unlawful Discharge

NCGS 143-215.83 It shall be unlawful, except as otherwise provided in this Part, for any person to discharge, or cause to be discharged, oil or other hazardous substances into or upon any waters, tidal flats, beaches, or lands within this State, or into any sewer, surface water drain or other waters that drain into the waters of this State, regardless of the fault of the person having control over the oil or other hazardous substances, or regardless of whether the discharge was the result of intentional or negligent conduct, accident or other cause.

Item II. Discharge without a Permit

NCGS 143-215.1 (a) Activities for Which Permits Required. – No person shall do any of the following things or carry out any of the following activities unless that person has received a permit from the Commission and has complied with all conditions set forth in the permit:

(1) Make any outlets into the waters of the State.

(6) Cause or permit any waste, directly or indirectly, to be discharged to or in any manner intermixed with the waters of the State in violation of the water quality standards applicable to the assigned classifications or in violation of any effluent standards or limitations established for any point source, unless allowed as a condition of any permit, special order or other appropriate instrument issued or entered into by the Commission under the provisions of this Article.

Item III. Other Waste

Oils; deleterious substances; colored or other wastes: only such amounts as shall not render the waters injurious to public health, secondary recreation or to aquatic life and wildlife or adversely affect the palatability of fish, aesthetic quality or impair the waters for any designated uses.

Required Response

You are requested to respond to this letter in writing **within 30 days** of receipt. It may be beneficial to secure a consultant to assist you with your response.

1. Provide an estimate of the volume of the product(s) spilled/discharged and explain how you estimated these volumes.
2. In your written response describe methods/manner of how waste petroleum products are/were managed and disposed at the subject facility. You should include manifests and names of contractors and frequency of disposal efforts.
3. Describe in detail the corrective actions taken to prevent any further unpermitted discharges into any waters of the state.
4. Explain the source of the petroleum material.
5. Please describe how you will permanently eliminate this discharge of petroleum. Specifically, describe the procedures you will take to remove the unpermitted discharge of petroleum products from the storm drain system and the stream.

Submit Requested Items To:

Dave Parnell
DWQ Raleigh Regional Office
3800 Barrett Drive
Raleigh, NC 27609

Thank you for your attention to this matter. This office is considering developing a civil penalty assessment regarding these matters. **Your response to this letter will be considered in this process. This office requires that the violations, as detailed above, be abated immediately. These violations and any future violations are subject to a civil penalty assessment of up to \$25,000.00 per day for each violation.** Should you have any questions regarding these matters, please contact Dave Parnell or myself at (919) 791-4200.

Sincerely,

Danny Smith
Raleigh Regional Supervisor
Surface Water Protection Section

cc: John Hennessy – NPS Assistance and Compliance Oversight Unit
Bradley Bennett
DWQ RRO/SWP – Water Quality Files



MAILED
6/14/12

North Carolina Department of Environment and Natural Resources

Division of Water Quality

Beverly Eaves Perdue
Governor

Charles Wakild, P.E.
Director

Dee Freeman
Secretary

June 13, 2012

7010 1870 0001 3304 2889 – Return Receipt Requested

Nainesh Patel, P.E.

NC Department of Public Safety

Central Engineering Division

4216 Mail Service Center

Raleigh, NC 27699-4216

Subject: Petroleum/Free Product Release
Central Prison Stormwater Conveyance
Rocky Branch
Wake County

Dear Mr. Patel:

Thank you for the email correspondence on June 5, 2012, regarding the on-going petroleum releases into Rocky Branch from the subsurface stormwater distribution system at Central Prison in Raleigh, NC. It is the understanding of the Division of Water Quality the release of petroleum or free product has occurred twice in 2012 (February and March). It is also the understanding of the Raleigh Regional Office there is to be an on-going investigation by the Department of Correction to determine the source of the releases and that the booms have been removed from the stream because your contractor is no longer able to detect residual petroleum.

Releases or discharges of petroleum are violations of North Carolina General Statutes, which states:
Oil Pollution & Hazardous Substances Control Act – Unlawful Discharge

NCGS 143-215.83

It shall be unlawful, except as otherwise provided in this Part, for any person to discharge, or cause to be discharged, oil or other hazardous substances into or upon any waters, tidal flats, beaches, or lands within this State, or into any sewer, surface water drain or other waters that drain into the waters of this State, regardless of the fault of the person having control over the oil or other hazardous substances, or regardless of whether the discharge was the result of intentional or negligent conduct, accident or other cause.

NCGS 43-215.84

Any person having control over oil or other hazardous substances discharged in violation of this Article shall immediately undertake to collect and remove the discharge and to restore the area affected by the discharge as nearly as may be to the condition existing prior to the discharge.

North Carolina Division of Water Quality
Internet: www.ncwaterquality.org

1628 Mail Service Center
Location: 3800 Barrett Drive

Raleigh, NC 27699-1628
Raleigh, NC 27609

Phone (919) 791-4200
Fax (919) 788-7159

Customer Service
1-877-623-6748

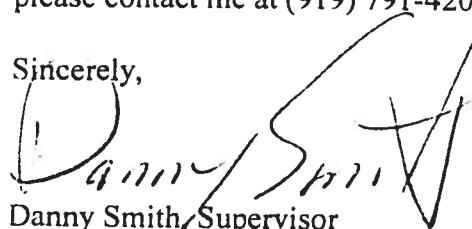
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North Carolina
Naturally

Accordingly, the Raleigh Regional Office of the Division of Water Quality is requesting that you respond to this letter in writing with 30 days and address the following items.

1. **Explain how the stormwater outfall is being continually monitored such that additional petroleum product releases are detected and prevented from reaching surface waters.**
2. **Explain the source of the petroleum product and the pathway into the stormwater system.**
3. **Petroleum discharges must be permanently eliminated. Explain how this will be accomplished and provide a schedule with dates detailing how this will be accomplished.**
4. **If another release occurs please explain how the subject facility is prepared respond.**

Please understand illegal discharges of waste are subject to civil penalty assessments of up \$25,000 per day for each violation. Please submit the above requested items to the Raleigh Regional Office at the address at the bottom of this letter within 30 days of receipt. If you should have additional questions, please contact me at (919) 791-4200 or danny.smith@ncdenr.gov.

Sincerely,



Danny Smith, Supervisor
Surface Water Protection
Raleigh Regional Office

cc: RRO-SWP File
Eric Green, Wake County
Mark Powers, UST-RRO

Smith, Danny

From: Patel, Nainesh
Sent: Tuesday, June 05, 2012 11:50 AM
To: Hall, Mandy
Cc: Eric.Green@wakegov.com; Smith, Danny; Tart, Lamar; Hart, Ken; Collins, Tom; Stovall, Bill; Wann, Larry; Carroll, Jerry
Subject: RE: Question for Central Prison - Fuel Oil Traces in Stormwater Outfall

Thank you Mandy, for your response. We will certainly continue to monitor (as we have been) and will take immediate actions to abate the situation in the event it occurs again.

Mr. Tart, please inform EPS of Vermont, Inc. that we no longer need their service at this time. We will contact them in future if necessary.

Regards, to all.

NP

From: Hall, Mandy
Sent: Tuesday, June 05, 2012 11:07 AM
To: Patel, Nainesh
Cc: Eric.Green@wakegov.com; Smith, Danny
Subject: RE: Question for Central Prison

Nash,

Thank you for contacting me regarding the petroleum releases at Central Prison in Raleigh.

We understand the budget constraints that you are under and your concern for the cost of continuing the exercise of keeping the booms in place.

DWQ is requiring you to continue to monitor the situation, at least daily and more often after rain events, to ensure no product/petroleum is being released into Rocky Branch. It is my understanding from our phone conversation that you are not detecting any additional amounts of petroleum at this time.

Eric may have some follow-up questions. Please contact me if anything changes or if you have any questions.

Thank you!

Mandy Tingen Hall

WWTP Consultant
NCDENR-DWQ-SWP
919-791-4254 P
919-788-7159 F
3800 Barrett Drive
Raleigh NC 27609

www.ncwaterquality.org

Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties unless the content is exempt by statute or other regulation.

From: Patel, Nainesh
Sent: Tuesday, June 05, 2012 10:52 AM
To: Hall, Mandy
Subject: Question for Central Prison

Mandy:

Greetings! Hope you are doing well.

Thank you for your assistance at Central Prison site sometime back. I have a follow up question and have left you a voice mail.

Would you please call me at your earliest convenience? We appreciate your assistance.

Thanks.
Regards,
Nash Patel

Nainesh Patel, P.E.
NC Department of Public Safety • Central Engineering Division
4216 Mail Service Center, Raleigh, NC 27699-4216
Office: 919-716-3400 • Direct: 919-716-3437 • Fax: 919-716-3978
E-mail: nainesh.patel@ncdps.gov

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North Carolina Department of Public Safety

Central Engineering

Beverly Eaves Perdue, Governor
Reuben F. Young, Secretary

Bennie Aiken, Chief Deputy Secretary
William N. Stovall, Director

Mr. Danny Smith, Supervisor
Surface Water Protection
NCDENR / Division of Water Quality
Raleigh Regional Office
1628 MSC
Raleigh, NC 27699-1628

10 July 2012



In Re: Petroleum/ Free Product – Release
Central Prison Stormwater Conveyance
Rocky Branch
Wake County

Dear Mr. Smith:

This is in response to your letter dated 13 June 2012 sent to the North Carolina Department of Public Safety (DPS) in reference to petroleum traces observed in the stormwater outfall on 28 March 2012.

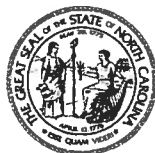
As informed to the North Carolina Department of Environment and Natural Resources – Division of Water Quality (DWQ) in the past, DPS remains sincerely committed to protecting the water quality of our streams and basins by promptly abating pollution and implementing all necessary abatement actions and control measures in a timely manner.

Below is a response to specific items DWQ has asked DPS to address:

1. Monitoring the stormwater outfall.

Ever since the last incident when traces of petroleum were observed in the stormwater outfall, DPS has been actively monitoring the outfall. DPS maintenance staff at this facility have set a schedule to monitor the outfall once a day and twice a day following rain events. Also, the staff has been instructed to immediately contact DPS' Engineering division in the event any traces of petroleum were noticed in the stormwater discharge or in the vicinity of the outfall pipe.

MAILING ADDRESS:
4216 Mail Service Center
Raleigh, NC 27699-4216
www.ncdps.gov



An Equal Opportunity Employer

OFFICE LOCATION:
2020 Yonkers Road
Raleigh, NC 27604
Telephone: (919) 716-3400
Fax: (919) 716-3978

2. Source of the petroleum product:

As DWQ may be aware, a release of fuel oil had occurred in June 1999 at the site. In response to that release, the DPS conducted assessment and free product recovery activities, including installation of a free product recovery trench. After the most recent event, DPS conducted a thorough investigation in an attempt to detect the source of petroleum product that appeared as oil sheen in the stormwater outfall. On 29 March 2012, staff from DWQ, Wake County Environmental Services, and Consulting Engineer (Mid-Atlantic Associates, Inc.) assisted DPS in a joint investigation (using various techniques) to pin point the petroleum source.

At the request from DWQ, DPS on emergency basis hired a Contractor who performed a Close-Circuit Television (CCTV) inspection of the existing storm water sewers within the facility. CCTV inspection revealed that there was no direct evidence of petroleum entering the stormwater conveyance system.

Furthermore, a water sample was collected in the stormwater conveyance system following the petroleum discharge event that occurred on 28 March 2012. The water sample was collected by an independent service provider and was also analyzed by a third party, independent laboratory. This water sample was analyzed for '*Total Petroleum Hydrocarbons*' and the results were '*non-detect*' for Gas and Diesel range organics. DPS has informed DWQ of the results of this test.

In the end it was concluded by all professionals described above who were present at the facility that the source of petroleum contributing to subject oil sheen could not be definitively determined. It was speculated that the petroleum observed in the outfall was most likely residual product from the historic release that had somehow seeped into the system as a result of the heavy rain event.

It shall be noted that DPS maintenance staff at the subject facility have not seen any further evidence in the outfall after several rain events since 28 March 2012 (some of these rain events had high intensity).

3. Permanently eliminate petroleum discharge:

As explained above, DPS will continue to monitor the stormwater conveyance at the site and periodically evaluate any possible source contributing to petroleum traces or oil sheen observed in the stormwater discharge.

Mid-Atlantic Associates, Inc. is continuing to perform free product recovery events at the only site well that continues to show evidence of free product (MW-1). They also continue to conduct ground water monitoring events at the subject facility. Results of recent monitoring activity revealed that petroleum compounds were not detected in the groundwater samples collected from the on-site monitoring wells and recovery wells. Mid-Atlantic Associates, Inc. continues to send updates detailing above the above referenced , on-going, monitoring activities and results to Mr. Mark Powers at the DENR – Division of Waste Management/ UST section.

4. Responding to another release, if it occurs:

As stated earlier, DPS remains committed to implementing all necessary abatement actions and control measure in a timely manner for events affecting state's water quality.

The subject facility does have a plan of action in place in the event an occurrence repeats itself. The facility maintenance team and DPS – Engineering has developed a list containing emergency contact numbers. As DPS did during the past event, it will contact DENR/ DWQ, Wake County Environmental Services and the National Response Center in the event of a recurrence. DPS will immediately place booms around the outfall to contain oil sheen or any other form of petroleum discharge. DPS will consult regulatory agencies and Mid-Atlantic Associates, Inc. and take further actions as deemed necessary to abate the situation in a timely manner.

If you have any questions, please do not hesitate to give me a call anytime at 919-716-3400 at your convenience.

Respectfully,



Nainesh Patel, P.E.
NCDPS - Central Engineering

Enclosures

pc: NMP/WNS/LHT/KGH/THC/Unit File